

IN THE HOUSE

(Speaker in the Chair.)

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

Executive Office,
Austin, Texas, September 4, 1934.

To the Forty-third Legislature in Third Called Session:

By request of Hon. W. E. Pope, I submit for your consideration the attached bill, being "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State; and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, September 4, 1934.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 8, Endorsing the candidacy of Hon. Sam Rayburn for Speaker of the National House of Representatives, and inviting him to address a Joint Session of the House and Senate.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. C. R. No. 8, Endorsing the Hon. Sam Rayburn for Speaker of the National House of Representatives, and inviting him to address a Joint Session of the Legislature.

COMMUNICATION FROM HON. JOHN NANCE GARNER

The Speaker laid before the House, and had read, the following communication:

Uvalde, Texas, September 4, 1934.

Louise Snow Phinney, House of Representatives, Austin, Texas:

Telegram received. Regret very much that present arrangements will prevent me from accepting the appreciated invitation to address the House of Representatives. Best wishes for a successful session.

JOHN N. GARNER.

COMMITTEE TO ESCORT HON. HENRY T. HUNT TO THE FLOOR OF THE HOUSE

The Speaker announced the appointment of the following committee to escort Hon. Henry T. Hunt to the Speaker's stand:

Messrs. Hyder, Graves, and Engelhard.

ADJOURNMENT

On motion of Mr. Vaughan, the House at 5:20 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, September 4, 1934.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 8, Endorsing and approving the candidacy of Hon. Sam Rayburn for Speaker of the National House of Representatives, and inviting him to address a Joint Session of the Legislature of Texas,

Has carefully compared same, and finds it correctly enrolled.

ROGERS OF HUNT, Chairman.

NINTH DAY

(Wednesday, September 5, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hyder.
Adamson.	Jackson.
Aikin.	James
Alexander.	Jefferson.
Alsup.	Johnson
Anderson.	of Anderson.
Atchison.	Jones of Atascosa.
Baker.	Jones of Runnels.
Barrett.	Jones of Shelby.
Barron.	Kayton.
Beck.	Kyle of Hays.
Bedford.	Kyle of Palo Pinto.
Bergman.	Laird.
Bourne.	Lange.
Bradley.	Latham.
Burns.	Lemens.
Butler.	Leonard.
Calvert.	Lindsey.
Camp.	Long.
Canon.	Lotief.
Cathey.	Mackay.
Caven.	Magee.
Celaya.	Mathis.
Chastain.	McCullough.
Clayton.	McGregor.
Colson.	McKee.
Cowley.	Merritt.
Crossley.	Metcalfe.
Daniel.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Devall.	Morrison.
Dunlap.	Morse.
Dunagan.	Munson.
Duvall.	Nicholson.
Dwyer.	Palmer.
Engelhard.	Parkhouse.
Fain.	Patterson.
Fisher.	Pavlica.
Ford.	Pope.
Fuchs.	Puryear.
Glass.	Ratliff.
Golson.	Ray.
Good.	Reader.
Goodman.	Reed of Bowie.
Graves.	Reed of Dallas.
Greathouse.	Renfro.
Griffith.	Riddle.
Hankamer.	Roark.
Harman.	Roberts.
Harris.	Rogers of Hunt.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Head.	Rollins.
Hicks.	Russell.
Hodges.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Holloway.	Shannon.
Hoskins.	Shults.
Huddleston.	Smith.
Hughes.	Stanfield.
Hunt.	Steward.
Hunter.	Stinson.

Stovall.	Vaughan.
Stubbeman.	Wagstaff.
Tarwater.	Walker.
Tennyson.	Weinert.
Thomas.	Wells.
Tillery.	Winningham.
Townsend.	Wood.
Turlington.	Young.
Van Zandt.	

Absent

Hill.	Ramsey.
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Absent—Excused

Coombes.	Johnson
Hester.	of Dimmit.
	McDougald.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Coombes for today, on motion of Mr. Good.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 7, Inviting the Hon. Henry T. Hunt to address a Joint Session of the House and Senate.

TO GRANT WILLIS FOUNTAIN AND WIFE PERMISSION TO SUE THE STATE

Mr. Reed of Bowie and Mr. Beck offered the following resolution:

H. C. R. No. 9, To grant Willis Fountain and wife permission to sue the State.

Whereas, The State of Texas constructed dams on each side of Highway No. 8 which runs between towns of New Boston and Corley in Bowie County, Texas, so as to divert the water on the farm of Mr. Willis Fountain and Mrs. Willis Fountain; and

Whereas, They claim that their property has been damaged by overflow during the year 1933, the property of said plaintiffs being fifty acres of land in Bowie County; and

Whereas, The said State Highway

Commission contends that suit cannot be maintained against the said State Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, The Legislature of the State of Texas does not admit that the said plaintiffs in said suit have a valid or just claim against the State Highway Commission for compensation against their property for damages to their crops for the year 1933; and

Whereas, Willis Fountain and wife, Mrs. Willis Fountain, have never been compensated for the damages to their property; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Willis Fountain and wife, Mrs. Willis Fountain, be and they are hereby granted permission to bring suit and continue said suit for their damages to their property for said year above mentioned against the State Highway Commission and the State of Texas in the District Court in Bowie County in order to determine compensation for damage received, if any they can show, and that service of citation or other necessary process may be had upon the said State Highway Commission and the Attorney General with the same force and effect as in civil cases.

The resolution was read second time.

On motion of Mr. Alsop, the resolution was referred to the Committee on State Affairs.

TO GRANT H. S. CODY PERMISSION TO SUE THE STATE

Mr. McCullough offered the following resolution:

H. C. R. No. 10, To grant H. S. Cody permission to sue the State.

Whereas, On or about the first day of February, A. D. 1934, H. S. Cody was duly and legally employed by the State of Texas, acting by and through its Highway Commission and its employees; and

Whereas, On or about the twenty-first day of March, A. D. 1934, said H. S. Cody was engaged in the performance of his duties as a laborer in accordance with his contract of hire with the State of Texas, through its Highway Commission, on highway officially numbered by said State Highway Commission as 78; and

Whereas, The work being performed

on said last mentioned date by said Cody, was under the constant supervision and care of a foreman of said State Highway Commission, namely, Gene Baldwin, said Cody performing each and every, all and several, the acts, duties and commands as outlined to him by said Baldwin; and

Whereas, Through the negligence of Cody's foreman, Ott Benton, a fellow State employe, the said H. S. Cody was injured by bits of flying stone, resulting in the loss to said Cody of his left eye, said injury occurring while said Cody was in the due course of his employment as above set out; said injury being due in no manner whatsoever, to the carelessness or negligence of said H. S. Cody; and

Whereas, The State of Texas, acting by and through its Highway Commission, has declined to pay any amount as damages for said injury, and does not desire to pass on the questions involved in said claim, which in many instances are questions of fact which should be determined by the courts to the end that justice might be obtained between the State and said H. S. Cody; and

Whereas, Under the Constitution and laws of this State, a suit cannot be maintained against the State of Texas without its consent given by the Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That permission be, and the same is hereby, granted to said H. S. Cody, to sue the State of Texas in the District Court of Collin County, Texas, on said claim for damages, and the State of Texas, acting herein by and through its Legislature, consents that such suit may be filed and maintained by said H. S. Cody on the above mentioned claim in one of the District Courts of Collin County, Texas; and be it further

Resolved, That should said H. S. Cody recover a judgment against the State of Texas in such suit that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas; and be it further

Resolved, That said H. S. Cody shall give the necessary cost bond as in other civil suits, and either party shall have the right to appeal from any judgment rendered in the court

in which said suit may be filed; and be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented that such suit may be filed and maintained on said claim, and that the State has consented to be sued by said H. S. Cody.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO PROVIDE FOR PORTRAIT OF NEW MEMBERS OF THE FORTY-THIRD LEGISLA- TURE

Mr. Metcalfe offered the following resolution:

Whereas, Since the making and placing of the group picture of the Members of the House of the Forty-third Legislature, there have been five other Members elected to this body to fill out unexpired terms of Members who had resigned; and

Whereas, No pictures of these additional Members have been placed on the walls of the House in conformity with the custom of other Legislatures; and

Whereas, It is only fitting that the pictures of these Members should also be hung in the Halls of the House; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That a committee of five be appointed by the Speaker to arrange for a suitable picture of the additional Members to be hung in an appropriate place in the Halls of the House of Representatives.

METCALFE,
LEMENS,
STEWART,
SCARBOROUGH,
DANIEL.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Metcalfe, Lemens, Stewart, Scarborough, and Daniel.

ADDRESS BY HON. HENRY T. HUNT

In accordance with a concurrent resolution heretofore adopted, inviting Hon. Henry T. Hunt to address a Joint Session of the House and Senate, at 10 o'clock a. m., today, the Honorable Senate, escorted by Hon. Bob Barker, Secretary of the Senate, and A. W. Holt, Sergeant-at-Arms of the Senate, appeared at the Bar of the House, and, being admitted, were escorted to seats prepared for them along the aisle.

Hon. Cecil Murphy, President Pro Tempore of the Senate, was escorted to a seat on the Speaker's stand.

Hon. Henry T. Hunt and party, accompanied by Messrs. Hyder, Graves, and Engelhard, committee on the part of the House, was escorted to a seat on the Speaker's stand.

The Senate was called to order by Hon. Cecil Murphy, President Pro Tempore of the Senate.

Speaker Stevenson called the House of Representatives to order, and stated that the two Houses were in Joint Session for the purpose of hearing an address by Hon. Henry T. Hunt.

Mr. Stevenson presented Senator John Hornsby of Travis County, who introduced Congressman J. P. Buchanan.

Mr. Buchanan introduced Hon. J. T. Hunt, who addressed the Joint Session.

Mr. Edmund Burke, member of the legal staff of the Public Works Administration, was then introduced to the Joint Session by Congressman J. P. Buchanan.

SENATE RETIRES

At 10:25 o'clock a. m., at the conclusion of the address, the Senate retired to its Chamber.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. McCullough:

H. B. No. 28, A bill to be entitled "An Act providing for a jury wheel, and the selection of juries and drawing of venires by means thereof in all counties having a population of at

least forty-five thousand or having therein a city containing a population of at least twenty thousand, as shown by the preceding Federal Census, and amending Article 2094, as amended by Acts of the Forty-first Legislature (1929), Regular Session, Chapter 43, page 89, and Articles 2095, 2096, 2097, 2098, 2099, 2100 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas; repealing Articles 2141, 2146, and 2150 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas, in so far as same are applicable to counties having a population of at least forty-five thousand or having therein a city containing a population of at least twenty thousand, as shown by the preceding Federal Census; repealing Articles 593 and 595 of Chapter 2, Title 8, of the Revised Code of Criminal Procedure of Texas, in so far as said Articles apply to said counties; and providing for penalties for the violation of any provision of this Act, and declaring an emergency."

Referred to Committee on Judiciary.

RECESS

On motion of Mr. Van Zandt, the House, at 10:55 o'clock a. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

ADJOURNMENT

Mrs. Hughes stated that there was to be an important committee meeting in the Senate today at 2 o'clock p. m., and moved that the House stand adjourned until 10 o'clock a. m., tomorrow, in order that the Members of the House might attend the hearing.

The motion prevailed.

The House, accordingly, at 2:10 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Revenue and Taxation filed a favorable report on House Bill No. 25.

TENTH DAY

(Thursday, September 6, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Holekamp.
Adamson.	Holland.
Aikin.	Holloway.
Alexander.	Hoskins.
Alsup.	Huddleston.
Anderson.	Hughes.
Atchison.	Hunt.
Baker.	Hunter.
Barrett.	Hyder.
Barron.	Jackson.
Beck.	James.
Bedford.	Jefferson.
Bergman.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Lange.
Celaya.	Latham.
Chastain.	Lemens.
Clayton.	Leonard.
Colson.	Lindsey.
Coombes.	Long.
Cowley.	Lotief.
Crossley.	Mackay.
Daniel.	Magee.
Davidson.	Mathis.
Dean.	McCullough.
Devall.	McGregor.
Dunlap.	McKee.
Dunagan.	Merritt.
Duvall.	Metcalfe.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Fain.	Moore.
Ford.	Morrison.
Fuchs.	Morse.
Glass.	Munson.
Golson.	Nicholson.
Good.	Palmer.
Goodman.	Parkhouse.
Graves.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill.	Renfro.
Hodges.	Riddle.